

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

BRENDA SMITH,

Plaintiff,

v.

AROOSTOOK COUNTY and SHAWN D.
GILLEN,

Defendants.

CIVIL NO. 1:18-cv-00352-NT

**MOTION OF PUBLIC HEALTH
SCHOLARS FOR LEAVE TO FILE
AMICI CURIAE BRIEF IN SUPPORT OF
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Amici, who are professors of public health and degree candidates in graduate programs in public health, respectfully seek leave to file the attached *amici curiae* brief in support of plaintiff's motion for temporary restraining order and preliminary injunction.

This Court has inherent authority to accept amicus submissions. *See, e.g., Verizon New England, Inc. v. Maine Pub. Utils. Comm'n*, 229 F.R.D. 335, 338 (D. Me. 2005). In particular, amicus briefs are appropriate when the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide. *See* Charles Alan Wright & Arthur R. Miller, *FEDERAL PRACTICE AND PROCEDURE* § 3975 (4th ed.). *Amici's* attached brief meets these standards.

As scholars in the field of public health, *amici* seek to provide the Court with their expertise and knowledge regarding the evidence supporting the treatment of opioid use disorder (OUD) with medications for the treatment of OUD (MOUD, commonly referred to as medication-assisted therapy or MAT). *Amici's* perspective will provide the Court with a deeper and more

comprehensive understanding of the state of research into treatment of OUD and the relative benefits and risks associated with MOUDs. Moreover, *amici*'s brief would help the court to resolve this case by addressing the scientific consensus on buprenorphine and MOUD treatment. Granting leave will not prejudice the defendants, as they will have an opportunity to respond at the upcoming hearing.

Counsel for *amici* have conferred with counsel for both the plaintiff and defendants; the plaintiff consents to this motion, and at the time of filing, the defendants were not able to provide a response.

Although the local rules do not provide any guidance as to the length of an acceptable *amici curiae* brief, amici have used both the Federal Rules of Appellate Procedure (Fed. R. App. P. 29(a)(5) and 32(a)(7)(B)) and Local Rule 7(d) for reference and have, accordingly, limited their brief to fewer than ten pages and fewer than 6,500 words.

For the foregoing reasons, this Court should grant *amici*'s motion for leave to file an *amici curiae* brief.

Respectfully submitted,

Joshua M. Sharfstein, M.D., Brendan
Saloner, PhD, Colleen Barry, PhD, Noa
Krawczyk, Jenny Wen, and Jia Ahmad

/s/ Brett R. Leland

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CERTIFICATE OF SERVICE

I certify that on January 29, 2019, the foregoing motion was electronically submitted to the Clerk of Court for the U.S. District Court for the District of Maine using the Court's electronic case filing system. Accordingly, notice of this filing will be sent to all counsel of record.

/s/ Brett R. Leland

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[Proposed] Order

Pursuant to Local Rule 7, the Motion of Public Health Scholars for Leave To File an *Amicus Curiae* Brief is GRANTED.

Signed on this _____ day of _____, 2019.

Nancy Torresen
U.S. District Judge